

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2076 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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STATE OF GUJARAT

Versus

SHANTABEN K MISTRY

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Appearance:

MR MI HAVA for Petitioner

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/09/1999

ORAL JUDGEMENT

1. Heard learned counsel for the petitioner.

2. The order dated 9.12.1985, Annexure-B, of the Urban Land Tribunal at Ahmedabad in Appeal No.APL/UL/RAJKOT-68/1982 is under challenge in this Special Civil Application under Article 227 of the Constitution of India at the instance of the State of Gujarat. From the facts of this case, I find that,

possession of the disputed land is with the respondents. In view of the Urban Land (Ceiling & Regulation) Repeal Act, 1999, this Special Civil Application abates.

3. On merit also, learned counsel for the petitioner has failed to make out any case for interference of this court with the impugned order. The authority below has not committed any error apparent on the face of the order. Impugned order has been passed by the authority below on 9.12.1985 and this Special Civil Application is filed on 23.3.1989. So, this petition is filed after about more than 3 years and 6 months. This inordinate delay in filing of this Special Civil Application is another ground which justifies dismissal of this Special Civil Application.

4. Taking into consideration the totality of this case, this Special Civil Application abates and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

(S.K.Keshote,J.)  
(pathan)